

Agenda Item #

39

Distribution

Dept. of Plng., Bldg & Dev. (4)

STATE OF ILLINOIS

)

No. 3714

Wauconda Township

)

SS

COUNTY OF LAKE

)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

June 10, 2008

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3714, which consists of the Petition of Casimer and Donna Kobeszko, record owners, which seeks rezoning from the Estate to the Residential – 1 zone. The Department of Planning, Building and Development recommends the petition be granted. On the motion "to grant" the prayer of the petitioner, the Zoning Board of Appeals vote is 7 "Ayes" and 0 "Nays." On the motion "to grant" the prayer of the petitioner, the Planning, Building and Zoning Committee vote is 4 "Ayes" and 0 "Nays".

- o An "Aye" vote on the motion shall operate in favor of the prayer of the petitioner.
- o A "Nay" vote on the motion shall operate against the prayer of the petitioner.
- o A 3/4 (18) affirmative vote is required to approve the rezoning if there is a legal objection on file.

Respectfully submitted,

Aye Nay

CHAIRPERSON

Lucretia Martini
VICE-CHAIRPERSON

✓

Susan L. Grevenhurst

✓

Robert Smith

✓

Ranger White

✓

RESOLUTION

WHEREAS, a public hearing has been held by the Lake County Zoning Board of Appeals pursuant to the Statutes of the State of Illinois on the Petition of Casimer and Donna Kobeszko, record owners, relative to a request for rezoning from the Estate to the Residential – 1 zone for the following real estate, to-wit:

That part of the East Half of the North West Quarter of Section 33, Township 44 North, Range 9, East of the Third Principal meridian, lying westerly of Slocum Lake Drainage Channel (so-called), except that part of the East Half of the North West Quarter falling in Lake Shore Addition to Williams Park Subdivision on Slocum Lake, according to the plat thereof, recorded July 15, 1927, as Document 302183, in Book "R" of plats, page 88, in Lake County, Illinois.

PIN: 09-33-100-002

WHEREAS, your Department of Planning, Building and Development duly considered the aforesaid petition and recommends that it be granted; and

WHEREAS, your Zoning Board of Appeals, after reviewing the testimony presented at the public hearing on the aforesaid petition, has submitted its report thereon to the County Board and its report recommends by a vote of 7 – 0 that the petition be granted; and

WHEREAS, your Planning, Building and Zoning Committee duly considered the petition and reports aforescribed and recommends by a vote of 4 to 0 that the petition be granted. Motion made by Member Whitmore, with a second by Member Sabonjian, to grant the petition. Voting "Aye" were Members Gravenhorst, Sabonjian, Whitmore and Martini; voting "Nay," none.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board that the request of the Petitioner for rezoning from the Estate to the Residential – 1 zone be granted; and

BE IT FURTHER RESOLVED, that the Secretary of said Zoning Board of Appeals be instructed to notify the Petitioners as to the action taken by the Board.

STATE OF ILLINOIS)

) SS

COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

June 10, 2008

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Pursuant to State Statutes and following proper publication of public notice, a public hearing was conducted before the Lake County Zoning Board of Appeals on May 5, 2008 at 1:00 p.m. in the Wauconda Township Hall, 505 Bonner Road, Wauconda, Illinois, relative to the petition of Casimer and Donna Kobeszko, record owners, requesting rezoning from the Estate to the Residential – 1 zone for the following real estate, to-wit:

That part of the East Half of the North West Quarter of Section 33, Township 44 North, Range 9, East of the Third Principal meridian, lying westerly of Slocum Lake Drainage Channel (so-called), except that part of the East Half of the North West Quarter falling in Lake Shore Addition to Williams Park Subdivision on Slocum Lake, according to the plat thereof, recorded July 15, 1927, as Document 302183, in Book "R" of plats, page 88, in Lake County, Illinois.

PIN: 09-33-100-002

The proceedings of this public hearing have been electronically recorded and are available for public review at the office of the Lake County Zoning Board of Appeals.

The reports and recommendations received prior to this hearing from the various County Departments and other interested agencies are on file at the office of the Lake County Zoning Board of Appeals. The Board is in receipt of the reports and recommendations from the following agencies:

The Lake County Building and Code Enforcement Division,
The Lake County Health Department, and
The Lake County Department of Planning, Building and Development, and

As required by the Lake County Zoning Ordinance, in making its recommendation the Zoning Board of Appeals has considered and taken into account the following:

- a) The testimony at the hearing;
- b) A site inspection of the property in question;
- c) The recommendations from interested official bodies; and
- d) The Standards provided in Section 3.3 of the Unified Development Ordinance.

At the close of the public hearing of the Lake County Zoning Board of Appeals held on May 5, 2008, after a final review of all evidence and testimony presented, Member Raymond moved, with a second by Member Westerman, to recommend the prayer of the petitioners for rezoning from the Estate to the Residential – 1 zone be granted. Voting "Aye" on this motion were Members Bell, Raymond, Reindl, Stimpson, Van Erden, Westerman and Zerba. Voting "Nay," none. The motion to recommend the petition be granted was passed by a vote of 7 – 0.

The Board finds that the request for rezoning meets the Standards for Map Amendments, Section 3.3, in the following manner:

Standard A: The proposed amendment is consistent with the stated purpose and intent of Sec. 1.5.

Finding: The County's comprehensive plan's Future Land Use is Residential Single-family Medium Lot (1 – 3 acre lot sizes). The requested R – 1 zoning district, as well as the current Estate zoning district, are both consistent with the future land use. The proposed subdivision will have a gross density of 4.6 acres / unit.

Standard B: The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition in the area.

Finding: The proposed amendment does not correct an error or inconsistency and is not justified by changing conditions in the area. The R – 1 zoned properties north of the subject property were included in the Williams Park plats of subdivision recorded in 1925 and 1927. Subdivision to create additional lots, which can only be served by septic systems, has not occurred in the vicinity of the subject property for more than 75 years. According to the Tax Assessor's data, there are 47 houses in the area bordered by Slocum Lake on the north, the west side of Genesee Street on the east, W. Maple Avenue on the south, and N. Houston Avenue on the west. Of these, only five were constructed after the applicants' house was built in 1979. The most recent house in the unincorporated area in the vicinity of the subject property was built in 1999.

The newer subdivisions to the west (platted in 2002) and east (platted in 2004) have public sewer and are in Port Barrington. The subject property will not be served by public sewer and therefore cannot achieve the density of these developments.

The only relatively recent activities in the area are the demolition of flooded properties in Williams Park, and the newer subdivisions in Port Barrington that have central sewer; neither establishes a trend of development relevant to the subject property.

Standard C: The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property.

Finding: The average lot size in the applicants' desired three lot subdivision will be approximately .9 of an acre, or 39,785 square feet, which is substantially larger than the 5000 square foot lots in Williams Park and those lots in the newer subdivisions to the east and west. Development of two additional houses on the applicants' property is compatible with the existing single-family residential use on nearby properties.

Standard D: The County and other service providers will be able to provide adequate public facilities and services to the property, while maintaining adequate levels of service to existing development.

Finding: The existing house is served by private water well and septic system. Additional septic systems and wells will have to be approved by the Health Department. The applicants testified that a cul-de-sac for emergency and service vehicles will be constructed. The rezoning will not have a negative impact on public facilities and services.

Standard E: The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources.


Finding: Future development will have to comply with all requirements of the UDO, the Health Department, and the requirements of other agencies with jurisdiction and, therefore, no significant adverse impacts should occur because of the rezoning.

Standard F: The subject property is suitable for the proposed zoning classification.

Finding: According to the site capacity calculations, the site is, barely, suitable for a three lot conservation subdivision.

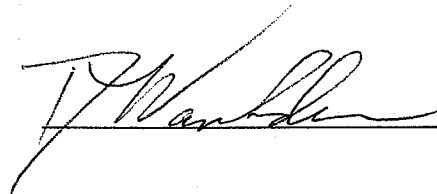
At the direction of the Chairman of the Zoning Board of Appeals, this report is herewith forwarded to your Honorable Body with the recommendation that it be accepted.

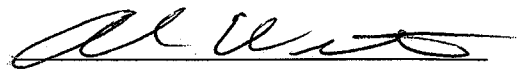
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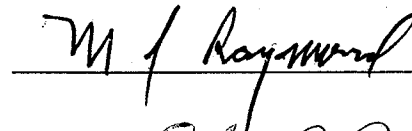

CHAIRMAN

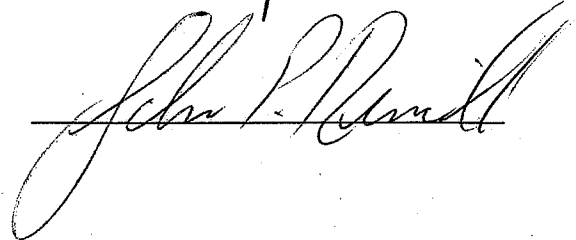
VICE CHAIRMAN


VICE CHAIRMAN









Dated this 22nd day of May 2008.

Summary of Testimony

ZBA #3714

Rezoning from Estate to R – 1 for a Three Lot Conservation Subdivision

A public hearing was conducted by the Lake County Zoning Board of Appeals on Monday, May 5, 2008 at 1:00 p.m. in the Wauconda Township Hall, 505 Bonner Road, Wauconda, Illinois, relative to the petition of Casimer and Donna Kobeszko, record owners, requesting rezoning from the Estate to the Residential – 1 zone for the purpose of developing a three-lot, conservation, residential subdivision. The subject property is located at 26700 N. Houston, Wauconda, and contains approximately 13.9 acres. The following is a summary of the testimony:

1. Ms. Tracy Inglimo, designated representative, presented the request and testified that the owners were seeking the rezoning in order to be able to subdivide the property for three residential lots. Ms. Inglimo explained that the property owners intend to live on one lot, and the other two lots will have homes for their children. Each house will have its own septic system and well. Access would be from the existing driveway, which would be improved and widened for emergency vehicles. A cul-de-sac that will allow emergency vehicles to turn around will also be constructed.
2. Mr. Casimer Kobeszko, property owner, testified that the Williams Park Improvement Association has given its permission for the subdivision to use its roads, which are private. Mr. Kobeszko, who resides in the existing house, also testified that the house has never flooded.
3. Deputy Director Bob Mosteller testified that the property could be divided into a maximum of three residential lots. He explained that three lots are only possible with the density bonus of a conservation subdivision which requires that a minimum of 70% of the property be preserved as open space.
4. Mr. Joe Munson, Wauconda Township Highway Commissioner, testified he had no objection to the rezoning. Ms. Dolores Jarchow, Vice-president of the Williams Park Improvement Association testified the Association had no objection. Mr. Mike Zalewski, abutting property owner to the north (26773 N. Huston Avenue), testified he had no objection.

Summary of Department Comments

ZBA #3714

Rezoning from Estate to R – 1 for a Three Lot Conservation Subdivision

Lake County Health Department:

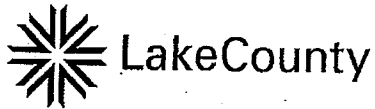
The Department has no objections.

Lake County Department of Planning, Building and Development:

Planning staff recommends approval of the rezoning because the request complies with the preponderance of the required standards.

Specifically, the request is in conformance with the County's comprehensive plan, it is compatible with surrounding zoning and land uses, adequate public services are available, it will cause no significant adverse effects on the environment and the site is suitable for the proposed use. However, it does not correct a zoning error nor does it respond to any changing condition.

It was also noted that the Planning, Building and Zoning Committee of the County Board has approved two Subdivision Ordinance variations to permit a private street to be extended and reduce the road right-of-way.



Philip J. Rovang
Director

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Waukegan, Illinois 60085
Phone 847 377 2875
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MEMORANDUM

April 23, 2008

TO: George Bell, Chairman
Lake County Zoning Board of Appeals

FR: Robert Mosteller, Deputy Director 
Lake County Department of Planning, Building and Development

CASE NO: 3714 Rezoning

REQUESTED ACTION: Rezoning from the Estate zone to the Residential-1 zone
for the purpose of developing a 3 lot single family
conservation subdivision.

ZBA PUBLIC HEARING DATE: May 5, 2008

GENERAL INFORMATION

PETITIONERS: Casimer and Donna Kobeszko, record owners

OF PARCELS: One

SIZE: 13.9 acres

ADDRESS: 26700 N. Houston, Wauconda

EXISTING ZONING: Estate

PROPOSED ZONING: Residential - 1

EXISTING LAND USE: Single-family dwelling, accessory structure, machine shed

PROPOSED LAND USE: Three lot single-family conservation subdivision.

Development Review
Bob Mosteller
Deputy Director

Zoning Administration
Sheel Yajnik
Zoning Administrator

Planning and Support Services
Dennis Sandquist
Deputy Director

Community Development
Vern Witkowski
Deputy Director

SURROUNDING ZONING / LAND USE

NORTH: R – 1 / Single-family dwellings and vacant lots (Williams Park Subdivision, platted 1925 and 1927)

EAST: Village of Port Barrington: Low density residential / Slocum Lake Drain; open space (Deer Grove North Subdivision Homeowners Association); single-family residential subdivision (Deer Grove North Subdivision, platted 2004 with 1/4 and 1/3 acre lots)

SOUTH: Estate / Vacant

WEST: Village of Port Barrington: Low density residential / Open space (Deer Grove Subdivision Homeowners Association); single-family residential subdivision (Deer Grove Subdivision, platted 2002 with 1/3 acre lots)

COMPREHENSIVE PLANS

LAKE COUNTY: Residential Single-family Medium Lot (1 – 3 acre lot sizes)

MUNICIPALITIES WITHIN 1½ MILES: Village of Port Barrington: Not designated

DETAILS OF REQUEST

ACCESS: Access to the existing single-family dwelling is via N. Houston Avenue, which is a private street. Access to the desired additional two lots would be from Houston Avenue.

FLOODPLAIN / WETLANDS: According to the County's GIS, approximately one acre of the subject property is in a floodplain and 11.46 acres are wetland.

SEWER AND WATER: The property is served by private septic and private water well.

ADDITIONAL COMMENTS

In December 2007 the applicants received variations from the Planning, Building and Zoning Committee to allow (1) the existing private street (Houston Avenue) be extended to serve an additional two lots (UDO 10.4.2.A) and (2) to allow the proposed subdivision a 50-foot right-of-way width for the road (Houston Avenue) instead of the required 60-foot right-of-way width (UDO 10.5.4). All streets in Williams Park are private and maintained by the homeowner's association.

The petition states that the applicants intend to create a three lot, R - 1, conservation subdivision. The maximum base density in R - 1 is .80 units per acre. The petition states that there will be at least 70% open space, which entitles the applicants to a 15% density bonus (Table 7.1-2). The 15% density bonus allows a density of .92 units per acre. The site capacity calculations submitted with the conceptual plan for the three lot subdivision indicates that only 2.74 acres of the subject property is buildable. The maximum number of lots that can be created is found by multiplying the buildable area of 2.74 acres by the density of .92 units per acre, which yields 2.52 units. This result is then rounded up to the nearest whole number (UDO 1.9.12), which makes the three lot subdivision possible.

The only process that will enable the applicants to subdivide the subject property into three lots is the conservation subdivision process. A conservation subdivision on the subject property also will provide protection of approximately 9.7 acres of permanent open space, which is required to be under common ownership.

RECOMMENDATION ON REZONING

In its evaluation of the request, staff finds that the petition meets the preponderance of the standards and we recommend approval.

Map Amendment Approval Criteria – UDO Section 3.3.8

Standard A: The proposed amendment is consistent with the stated purpose and intent of Sec. 1.5.

Comment: The County's comprehensive plan's Future Land Use is Residential Single-family Medium Lot (1 – 3 acre lot sizes). The requested R - 1 zoning district, as well as the current Estate zoning district, are both consistent with the future land use. The proposed subdivision will have a gross density of 4.6 acres / unit.

Standard B: The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition in the area.

Comment: The proposed amendment does not correct an error or inconsistency and is not justified by changing conditions in the area. The R - 1 zoned properties north of the subject property were included in the Williams Park plats of subdivision recorded in 1925 and 1927. Subdivision to create additional lots, which can only

be served by septic systems, has not occurred in the vicinity of the subject property for more than 75 years. According to the Tax Assessor's data, there are 47 houses in the area bordered by Slocum Lake on the north, the west side of Genesee Street on the east, W. Maple Avenue on the south, and N. Houston Avenue on the west. Of these, only five were constructed after the applicants' house was built in 1979. The most recent house in the unincorporated area in the vicinity of the subject property was built in 1999.

The newer subdivisions to the west (platted in 2002) and east (platted in 2004) have public sewer and are in Port Barrington. The subject property will not be served by public sewer and therefore cannot achieve the density of these developments.

The only relatively recent activities in the area are the demolition of flooded properties in Williams Park, and the newer subdivisions in Port Barrington that have central sewer; neither establishes a trend of development relevant to the subject property.

Standard C: The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property.

Comment: Based on 2.74 acres of buildable area, the average lot size in the applicants' desired three lot subdivision will be approximately 9/10 of an acre, or 39,785 square feet. The lots will be substantially larger than the 5000 square foot lots in Williams Park and those lots in the newer subdivisions to the east and west. Development of two additional houses on the applicants' property is compatible with the existing single-family residential use on nearby properties.

Standard D: The County and other service providers will be able to provide adequate public facilities and services to the property, while maintaining adequate levels of service to existing development.

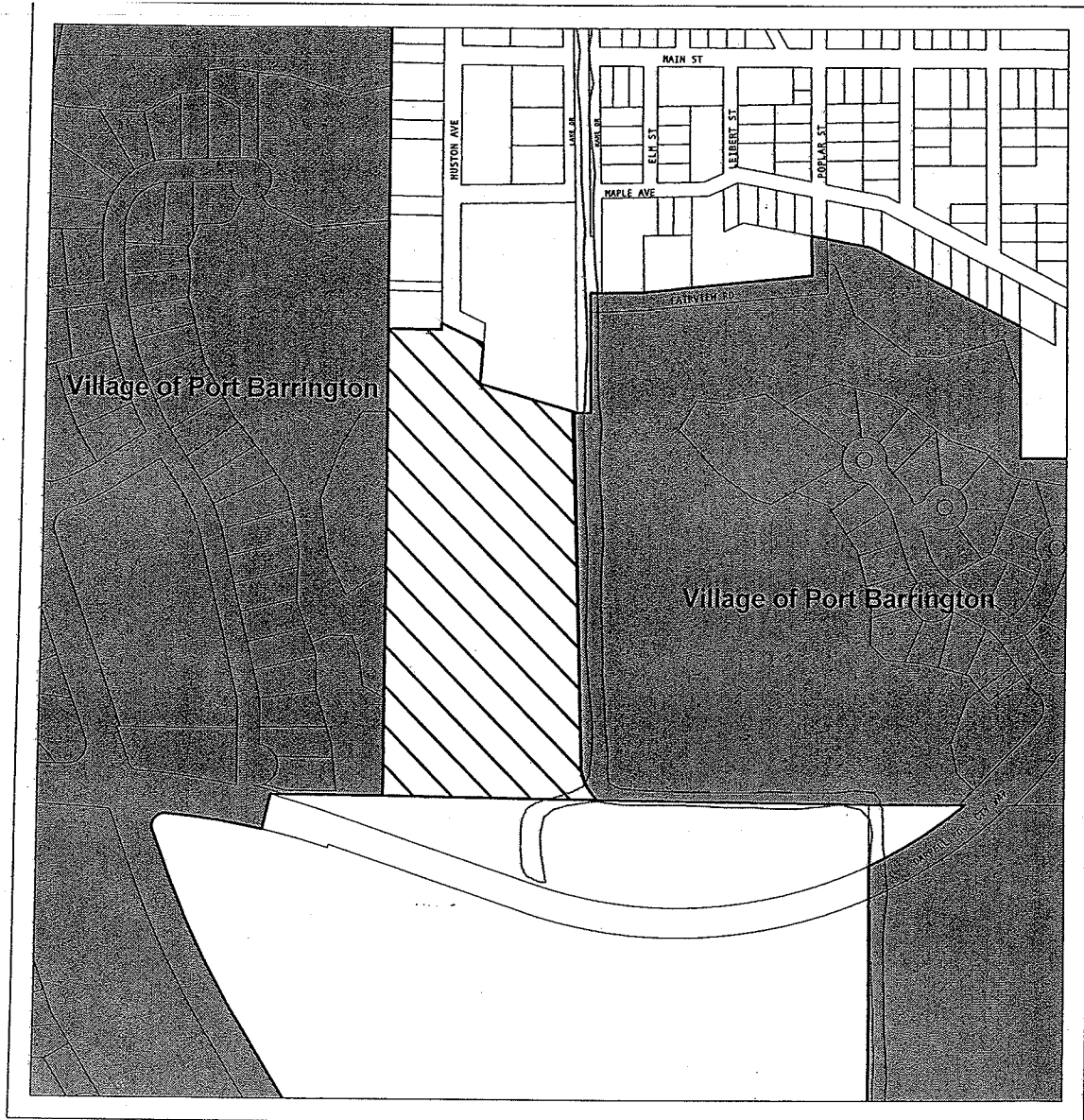
Comment: The existing house is served by private water well and septic system. Additional septic systems and wells will have to be approved by the Health Department. In the petition the applicants state that they intend to construct a cul-de-sac for emergency and service vehicles. The rezoning will not have a negative impact on public facilities and services.

Standard E: The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources.

Comment: Future development will have to comply with all requirements of the UDO, the Health Department, and the requirements of other agencies with jurisdiction and, therefore, no significant adverse impacts should occur because of the rezoning.

Standard F: The subject property is suitable for the proposed zoning classification.

Comment: According to the site capacity calculations, the site is, barely, suitable for a three lot conservation subdivision.



Zoning Board of Appeals Case# 3714

Wauconda Township